

# Town of Jericho

## Development Review Board HEARING Application

Application #: 2016 007Parcel Code: ON269

1. The undersigned hereby applies to appear before the Development Review Board for the following (check one):

☒ Conditional Use Approval☐ Amendment to DRB Approval☒ Zoning Variance☐ Dimensional Waiver☐ Sketch Plan Review☐ Appeal of Administrative Decision☒ Site Plan Review☐ Other \_\_\_\_\_

Section[s] of Zoning Regulations relating to this application: § 10.9 (conditional use), § 6.5.8.1.9  
§ 10.10.2.3 site plan  
§ 12.6.1, § 11.2.3.16 Variance  
87.1.1

### 2. Project Information

Description: Trail & parking AreaLocation: Route 117 / Winooksi RiverZoning District(s) in which property is located: AGR COM FOR OS RR VCTR VIL

### 3. Interested Parties

Applicant Name: Town of Jericho / Mark Fasching & Christa AlexanderEmail address: stcvt@googlegroups.com Mailing Address: \_\_\_\_\_Phone: \_\_\_\_\_ Applicant's relationship to parcel (check one): ☐ Owner ☐ Option to purchaseLandowner of Record Name (if not applicant): Mark Fasching / Christa A. / Town of Jericho

Address/Phone: \_\_\_\_\_

Professional advisor(s) Give name, address, phone, title:

Professional Engineer Dave Conger, P.E. & Mike Weisel PE (parking Area)

Other (specify) \_\_\_\_\_

Name(s) of current adjacent landowner(s):

Dan Dixon & Robert IvancicClifford HanelMark Fasching / Christa A.North Williston Cattle Co.Patrick & Karen FayVTransRiverhill Farm, IncStephanie & Daryl LandwaterDavid & Joann JohnsonMazza's

Landowner Signature (Date)

Applicant Signature (Date)

### FOR OFFICE USE ONLY

Public Hearing(s): Date \_\_\_\_\_

DRB Action taken: \_\_\_\_\_

Fee Paid: ✓ \$525.00Application Date: 3/8/16

Decision Date: \_\_\_\_\_

CONDITIONAL USE/SITE PLAN REVIEW APPLICATION REQUIREMENTS		
A. APPLICATION INFORMATION	SKETCH PLAN (optional)	FINAL PLAT
Number of copies	1	9
Application Fee	✓	✓
Name or Title of Project (if any)	✓	✓
Name and Address of Applicant and Landowner, and professional advisors, including license number and seals	✓ <sup>1</sup>	✓ <sup>1</sup>
Written Statement Outlining Nature of Conditional Use (i.e. proposed purpose) or Site Plan approval requested, including: total acreage and/or lot size; and specific request for action by the Development Review Board [DRB]	✓	✓
Evidence of Written Notification to Abutting Landowners of intent to seek approval		✓
Questionnaires and other forms requested by the Planning Office		✓
B. PLAN/PLAT MAPPING REQUIREMENTS	SKETCH (opt)	FINAL PLAT
Materials	on paper	on paper
Number of Full Size Sets of the Proposed Plan		2
Number of Printed Copies of Proposed Plan/Plat reduced to 11" x 17" paper, along with copies of supporting documentation/additional information		9
Proposed Plan/Plat and supporting documentation in electronic file (.pdf) format		✓
Date, True North Arrow, Legend	✓	✓
Preparer Information, Certifications	✓	✓
Scale (not less than 1 inch = 200')	✓	✓
Zoning District designation and boundaries	✓	✓
Boundaries and Property Lines, indicating existing and proposed lot and road lines; pedestrian ways, reservations and area(s) to be dedicated to public use, including dimensions, and names and addresses of adjoining and facing landowners	drawn	surveyed
Adjoining Land Uses, Roads and Drainage and any existing restrictions on use of land including easements, covenants and zoning district boundaries, and acreage of such land involved	drawn	surveyed
Existing and Proposed Contour Lines in area to be developed	indication	5' interval <sup>2</sup>
Location of all overlay districts, Including the Wetlands Overlay District, River Overlay District, Wellhead Protection Overlay District, and Natural Resource Overlay District	indication	delineated in area to be developed
Location of slopes 25% or greater, indication of the total area of disturbance of such slopes, and information regarding slope stabilization and erosion control measures (See Section 11.5.2)	indication	delineated in area to be developed
Location of other Natural and Cultural Resources, including: existing and proposed roads, paths, parking areas; water courses, floodplain, natural drainage ways, class iii wetlands, marshes; farm land and forest resources; public facilities, utilities and historic resources; steep slopes, prominent knolls and ridgelines; wildlife habitat and natural areas; and other significant physical features in and near the development and acreage of such land involved, along with any associated Rights-Of-Way or easements	indication	delineated in area to be developed

<b>B. PLAN/PLAT MAPPING REQUIREMENTS (cont'd)</b>	<b>SKETCH (opt)</b>	<b>FINAL PLAT</b>
Existing and Proposed Building Envelopes/footprints, structure setback lines/distances		✓
Existing and Proposed accesses, driveways, parking, loading and service areas		✓
Existing and proposed sidewalks, pedestrian pathways, multiuse paths, etc.		✓
Existing and Proposed Utilities, Water and Wastewater Systems and associated Rights-Of-Way or easements		✓
Existing and Proposed Landscaping and Screening		✓
Existing and Proposed Outdoor Storage/Display areas		✓
Existing and Proposed outdoor lighting		✓
Existing and Proposed Conservation Buffer and/or easement areas		✓
Engineering Reports (water and wastewater systems if impacted)		✓ <sup>b,c,f</sup>
Relevant legal documents	draft	final <sup>h</sup>
Proposed Letter of Credit, Performance Bond or other Surety	draft	final
Proposed Road Profiles, including names; road, intersection and parking area geometry; and construction schematics within area to be developed, including lengths of all straight lines, slopes, the deflection angles, radii, lengths of curves and central angles of all curves, tangent distances and tangent bearings for each road		✓ <sup>a</sup>
Dimensions of lot to the nearest foot and area to the nearest 1/100th of an acre, and all angles and bearings to the nearest minute		✓
Monument Locations in accordance with Article 3, Section 1(10)		✓
Calculation of total amount of new impervious surfaces	estimate	✓
Stormwater and Erosion Control Plan showing temporary and permanent procedures		final
Documentation that Stormwater Management measures at minimum meet the Recharge (Rev) and water quality volume criteria, if more than 0.5 acres of impervious surface are created (see Section 11.13.1.4)		final, including calculations
Other Digital or Analog Data as requested by the Planning Office		✓
<b>C. Other Data As May Be Required by the Development Review Board:</b>	<b>SKETCH (opt)</b>	<b>FINAL PLAT</b>
Information regarding runoff during the 25-year storm		as requested during sketch plan review, or required by Land Use Regulations
Erosion Control Risk Evaluation Checklist from the Vermont Department of Environmental Conservation		
Stormwater and Erosion Control Plan showing temporary and permanent procedures		
Grading Plan (showing proposed areas of cut and fill)		
Open Space Management Plan		
Site Reclamation Plan (for developments involving extraction)		
Traffic Study (current and proposed traffic volumes, capacities, levels of service, proposed improvements) and/or Vehicle Parking Management Plan. See Section 11.1.5.		
Statement of Conformance with the Town Plan and compliance with applicable local regulations		
Outdoor lighting plan (including lighting fixture specifications and illumination levels)		

Information demonstrating conformance with performance standards found in Section 11.14		
1) <i>If the owner of record is not the applicant a letter from the owner of record authorizing the applicant to apply for subdivision must be submitted.</i> 2) <i>Large areas to be set aside unchanged for open space and passive recreation, as well as minor grading in conjunction with construction may be exempt from detailed contour information</i>		

**IN ADDITION** to the required components outlined above, for Final Plat review and approval, the following components may be required of the applicant by the Development Review Board:

- a) A letter from the Selectboard indicating its approval of construction details for any proposed public road. Road profiles shall show accurate existing and finished grades together with typical cross-sections and construction plans, including details of the drainage structures, banks, etc., in conformance with the Public Works Specifications and shall be certified by a registered professional engineer.
- b) A letter from the commissioner of the water district, if the development is proposed to be served by public water supply, stating that the water district has adequate capacity to serve the development and noting any improvements or modification necessary to serve the development.
- c) Evidence from the applicant, if the development is proposed to be served by private water supply for two or more connections that establishes adequate quality and quantity of water. The DRB may require the applicant, prior to approval, to make one or more test wells if additional evidence is required.
- d) A letter from the Underhill-Jericho Fire Department affirming its ability to provide adequate fire protection or noting any improvements or modification necessary to gain that ability.
- e) A letter from the Chittenden East School District Superintendent addressing the effect of the development on the capacity of the school system.
- f) Results of two [2] percolation tests and two [2] test bores dug to seven [7] feet on each proposed lot, and the design of the proposed septic systems by a registered professional engineer.
- g) Engineering and construction details of stormwater drainage system.
- h) Any proposed covenants and/or deed restrictions intended to cover all or a portion of the development.
- i) The following endorsement on each section of the applicant's final submission to be completed by the Chair of the DRB or designated representative, upon approval:

<p><b>Approval by the Jericho Development Review Board</b></p> <p>on the _____ day of _____ 201____ subject to all</p> <p>conditions and requirements attached to Permit # _____.</p> <p>_____, Chair</p> <p style="text-align: center;">Jericho Development Review Board</p> <p>Date _____ 201____</p>
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423411L  
March 31, 2016

Town of Jericho  
Attn: Michelle Patrick  
67 Vermont Route 15, PO Box 39  
Jericho, VT 05465

**SUBJECT: Jericho River Trail  
Floodway No-impact Certification**

Dear Mrs. Patrick:

The attached is DuBois & King's (D&K) evaluation of the Jericho River Trail's impact on the Winooski River Floodway. This evaluation is in support of the Town Trail Committee's application for an unimproved trail along the Winooski River.

**PROJECT DESCRIPTION**

The proposed Jericho River Trail is to be an at-grade unimproved trail running along the East bank of the Winooski River on the Mark Fasching & Christa Alexander parcel in Richmond, VT. The path is to initiate at a proposed parking area North of Barber Farm Road and head in a southerly direction along the east bank and end prior to Mill Brook. (See attached maps).

The proposed trail will be an unimproved trail only requiring brush cutting along its length. The proposed parking area north of Barber Farm Road will incorporate site modifications including grading and gravel for its entrance onto Route 117 and the parking area. The trail will also cross a stream approximately 750 ft south of the parking area. For this crossing, the trail will shift to the northeast and closer to Route 117 to ensure that the stream crossing and any associated bridge will be outside of the flood plain.

With the above trail improvements, all proposed grading, fill, and/or stream crossing structures will be outside of the FEMA designated Flood Hazard Areas.

**JERICO FLOOD HAZARD AREA REGULATIONS**

This project is subject to review for flood hazards in accordance with Section 8 of the "Jericho Land Use and Development Regulations." The routing of this trail incorporates land within the Winooski River Floodway and Special Flood Hazard Areas (1 percent annual chance floodplain). As such it is subject to review to ensure the following as described in the regulations:

*8.2.2 Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property*

*8.2.3 Manage all flood hazard areas designated pursuant to 10 VSA § 753*



### **FLOOD HAZARD EVALUATION**

Utilizing the provided GPX trail routing, this unimproved trail follows primarily the eastern edge of the Winooski River between approximate river stations 297.7 and 298.6. The trail route is within the designated FEMA Special Flood Hazard Areas (1 percent annual chance floodplain) and Floodway Areas (channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights). The areas designated for the trail parking and potential stream crossing are outside of these zones.

Since the trail portion of the proposed project only incorporates brush cutting and no fill, excavation, and/or structures within the above floodway or special flood hazard area, there is no change to the floodplain cross sections. The performance and/or review of FEMA HECRAS modeling for this segment of the Winooski therefore is also not warranted due to no change in these sections. The resulting finding is that this project will have **no impact** to the Winooski River base flood elevation or the ability of this segment of the Winooski to carry the 1% annual chance flood.

### **ATTACHMENTS**

The following items are attached in support of the above flood hazard evaluation of the proposed trail river trail:

- a. FEMA No-Rise/No-Impact Certification
- b. Overall trail route map with floodplain overlay
- c. Detailed north end trail map with floodplain overlay
- d. FEMA FIRMette Map Number 5007C0284D

If you have any questions or require additional information, please do not hesitate to contact me at 802.728.7225 or [dconger@dubois-king.com](mailto:dconger@dubois-king.com).

Very truly yours,  
**DUBOIS & KING, INC.**



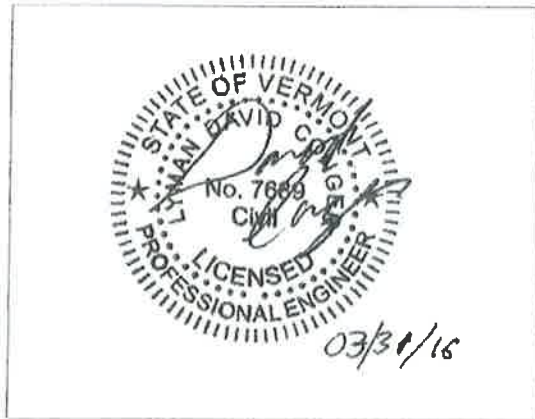
David Conger, P.E.  
Asst. Director,  
Site & Land Development Division

Jericho Trail Floodway Evaluation.doc



### FLOODWAY "NO-RISE / NO-IMPACT" CERTIFICATION

This document is to certify that I am duly qualified engineer licensed to practice in the State of  
Vermont  
*(State)* . It is to further certify that the attached technical data supports  
the fact that proposed Jericho River Trail  
*(Name of Development)* will not impact the base flood  
elevations, floodway elevations, and floodway widths on Winooski River  
*(Name of Stream)* at published  
cross sections in the Flood Insurance Study for, Jericho  
*(Name of community)* , dated July 18, 2011  
*(Date)*  
and will not impact the base flood elevations, floodway elevations, and floodway widths at the  
unpublished cross-sections in the area of the proposed development.



**SEAL, SIGNATURE AND DATE**

David Conger, P.E.

*Name*

DuBois & King, Project Manager

*Title*

6 Green Tree Drive

South Burlington, VT 05403

*Address*

#### **FOR COMMUNITY USE ONLY:**

Community Approval

☐

Approved

☐

Disapproved

Community Official's Name

Community Official's Signature

Title

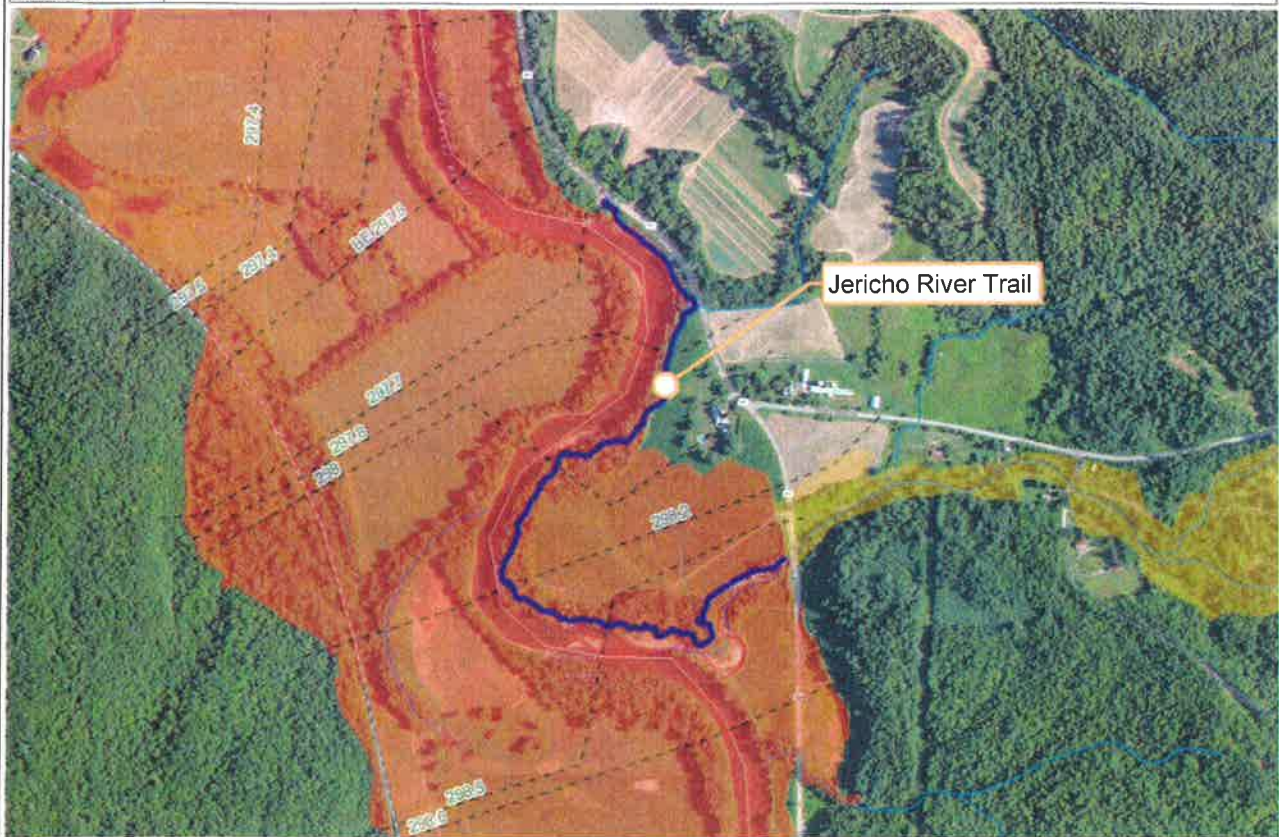
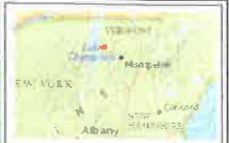
FEMA, MT  
DTD.09/2004



# Jericho Trail Flood Hazard Area Overall

Vermont Agency of Natural Resources

vermont.gov



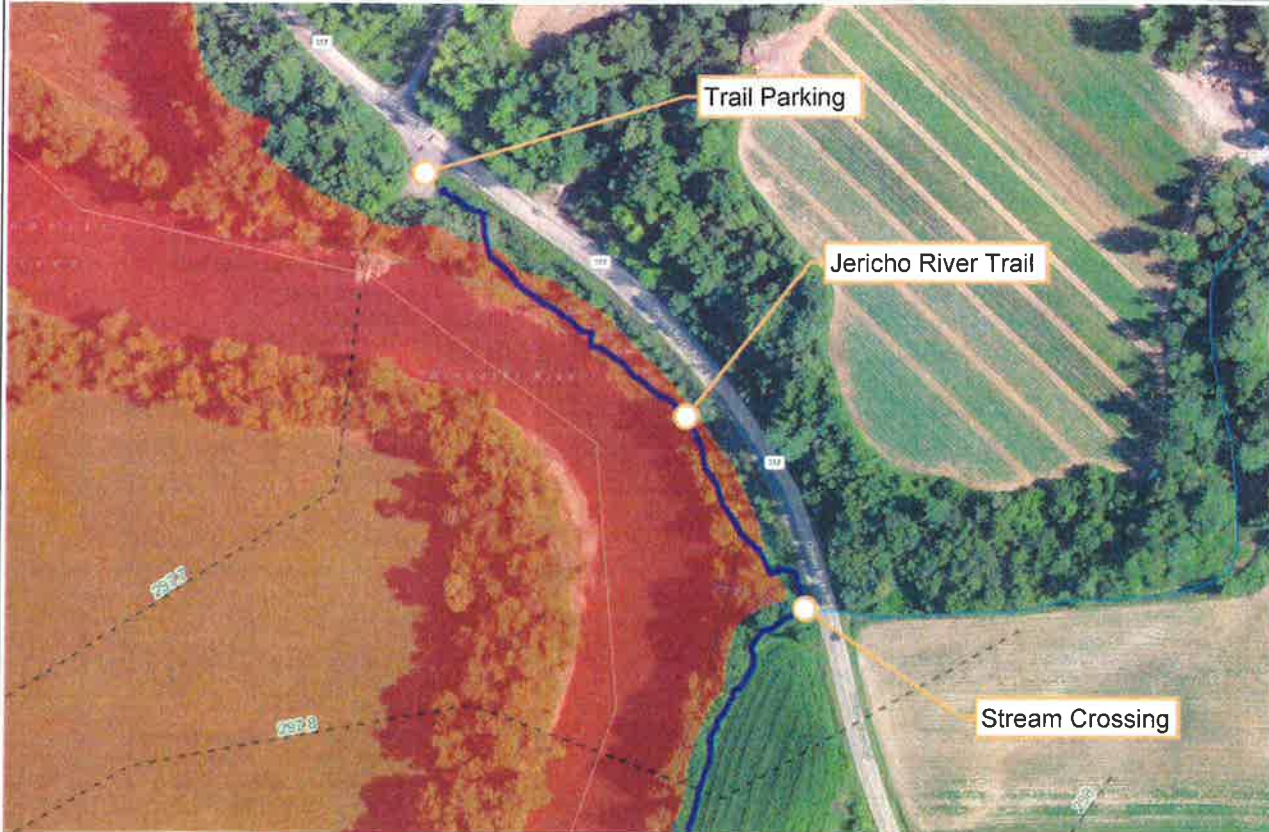




# Jericho Trail Flood Hazard Area Detail

Vermont Agency of Natural Resources

vermont.gov



- ### LEGEND
- DFIRM X-Sections
  - Special Flood Hazard Areas (All Available Counties)
  - AE (1 percent annual chance flood)
  - A (1 percent annual chance flood)
  - AD (1 percent annual chance flood)
  - 0.2 percent annual chance flood
  - Stream
  - Town Boundary

1: 1,579

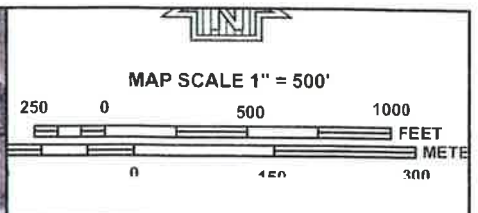
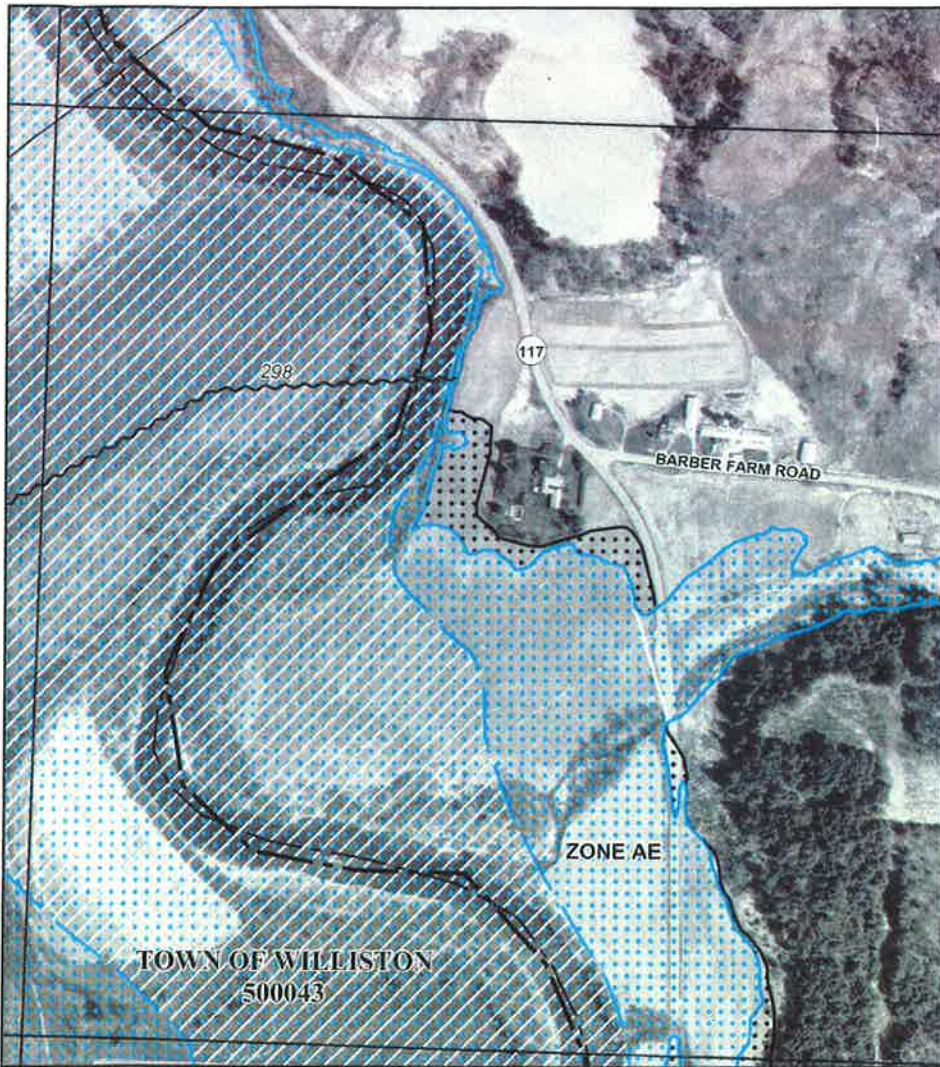
Scale: 1 inch = 1.579 miles

WCS\_1984\_Wkb\_Mosaic\_Aerial\_Scene  
© Vermont Agency of Natural Resources - March 30, 2016

DISCLAIMER: This map is for general reference only. Data is derived from the best available information and is not intended to be used for navigation or other purposes. The State of Vermont makes no representation or warranty of any kind, including but not limited to the accuracy or completeness, of the data. For a particular case, you are urged to consult the data source. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

NOTES

Map created using ARIA's Natural Resources Arc



**NFIP**  
**NATIONAL FLOOD INSURANCE PROGRAM**

PANEL 0284D

**FIRM**  
**FLOOD INSURANCE RATE MAP**  
**CHITTENDEN COUNTY,**  
**VERMONT**  
**(ALL JURISDICTIONS)**

**PANEL 284 OF 500**  
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

**CONTAINS**

COMMUNITY	NUMBER	PANEL	SUFFIX
WILLISTON TOWN OF	500043	0284	0

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

**MAP NUMBER**  
**50007C0284D**

**EFFECTIVE DATE**  
**JULY 18, 2011**

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-Map On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.nrc.fema.gov](http://www.nrc.fema.gov)





Town of Jericho  
DEVELOPMENT REVIEW BOARD  
67 Route 15  
Jericho, VT 05465

- 24

Via Certified Mail

October 8, 2014

Mr. Charles Lacy  
324 Brown's Trace  
Jericho, Vermont 05465

**RESTED PARTY**

**FOR REFERENCE**

**RE:** Site Plan Review for a proposed parking lot  
269 VT Route 117, Jericho, VT 05465

Dear Mr. Lacy:

At a meeting of the Jericho Development Review Board held on September 11, 2014 the Board heard your request for site plan review, to allow the construction of a parking lot on a parcel at 269 VT Rte 117. The purpose of the parking area is to allow access to a public system of trails being planned for the remainder of this parcel. The proposed parking area would be located off Route 117 near the intersection with Barber Farm Road in the Agriculture (AG) Zoning District. The Parcel Code is ON269.

After review of the application, the Board voted to **approve your request with conditions**. Listed below are the Findings of Fact and Conditions that were approved by the Development Review Board on September 11, 2014:

**Findings of Fact**

1. According to the Table of Uses in the Jericho Land Use and Development Regulations §10.10.2., this use is defined as 6.1.2. Recreation, Accessory Use, which is allowed by right in this district.
2. This application was submitted for a site plan review pursuant to the Jericho Land Use and Development Regulations §10.10.2., which requires site plan review for uses creating new or expanded parking for five (5) vehicles or more.
3. The Parcel number for this project was formerly ON267b. The new parcel number assigned by the Jericho Assessor's Office is ON269.
4. According to the Site Plan and testimony received, there are no structures or lighting fixtures proposed as part of this project.
5. The site plan is drawn approximately to scale, and the dimensions shown on the plan may be changed to meet the conditions of this decision.
6. This parking lot is proposed at a size of 6 spaces.
7. The area of new impervious surface is less than the State and local thresholds for requiring a stormwater plan. However, the site plan contains various features for controlling stormwater runoff.

8. In accordance with the Jericho Land Use and Development Regulations §11.8.5., the DRB may require internal parking lot landscaping, including trees, shrubs and other plants. These requirements are waived by the Development Review Board at this time, due to the rural location of the overall parcel and its lack of visibility from Rte 117.

#### **CONDITIONS**

1. The applicant shall adhere to the Site Plan entitled "VT Route 117 Trail Access Parking Site Plan" dated 6/6/14, as prepared by Michael C. Weisel, P.E. and revised as stated in Condition #2 below. The revised Site Plan shall be provided to this office prior to issuance of a building permit.
2. The turning radius and all other features depicted on the site plan shall be shown to reflect the Jericho Public Works Specifications.
3. In accordance with the Jericho Land Use and Development Regulations §11.2.2.2., one space shall be designated as handicapped. Such parking shall be set aside and identified with signs requiring display of a state handicapped designation. This space shall have a minimum width of twelve (12) feet.
4. In accordance with the Jericho Land Use and Development Regulations §11.2.3.2., each standard parking space shall have a minimum width of nine (9) feet, and a minimum length of eighteen (18) feet.
5. Signage shall be furnished in the parking areas, which provides 24-hour contact information for users encountering problems at this facility.
6. Substantial revisions to the Site Plan shall require the further review and approval by the Development Review Board at a publicly warned hearing.
7. Applicant shall secure and comply with all necessary local and State permits. The project will be constructed and subsequently operated consistent with all Findings of Fact set forth above and in any other permit applicable to this property.
8. All other improvements shall adhere to the requirements of the Town of Jericho Land Use & Development Regulations in effect as of this date.
9. By acceptance of these Conditions without appeal, the applicants confirm and agree for themselves and all successors in interest that the conditions of this decision shall run with the land and shall be binding and enforceable.

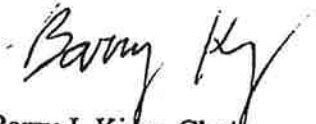
Motion by Joe Flynn to approve the request by Charles Lacy for a site plan review to allow the construction of a parking lot on parcel ON269, for the purpose of allowing public access to a system of trails proposed for the remainder of this parcel. Seconded by Stephanie Hamilton. Those in favor: Barry King, Wayne Hendee, Stephanie Hamilton and Joe Flynn. Opposed: None. Motion carried 4-0. The application was approved.

In accordance with 24 V.S.A. §4471 any Interested Person may appeal this decision within 30 days by filing a notice of appeal by certified mail, sent to the State Environmental Court with a copy to the Town of Jericho. Address: *Vermont Superior Court, Environmental Division, 2418 Airport Rd., Suite 1, Barre, VT 05641-8701*. The current filing fee for an appeal is \$262.50, payable to Vermont Superior Court, and it



must be sent in with the notice of appeal. Anyone with questions about an appeal can call the Court at 802 828-1660.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barry J. King".

Barry J. King, Chair  
Jericho Development Review Board

cc: Charles Lacy                      Selectboard  
      Interested Parties              Town Clerk  
      Town Planner                   Zoning Administrator  
      Lister - Town of Jericho

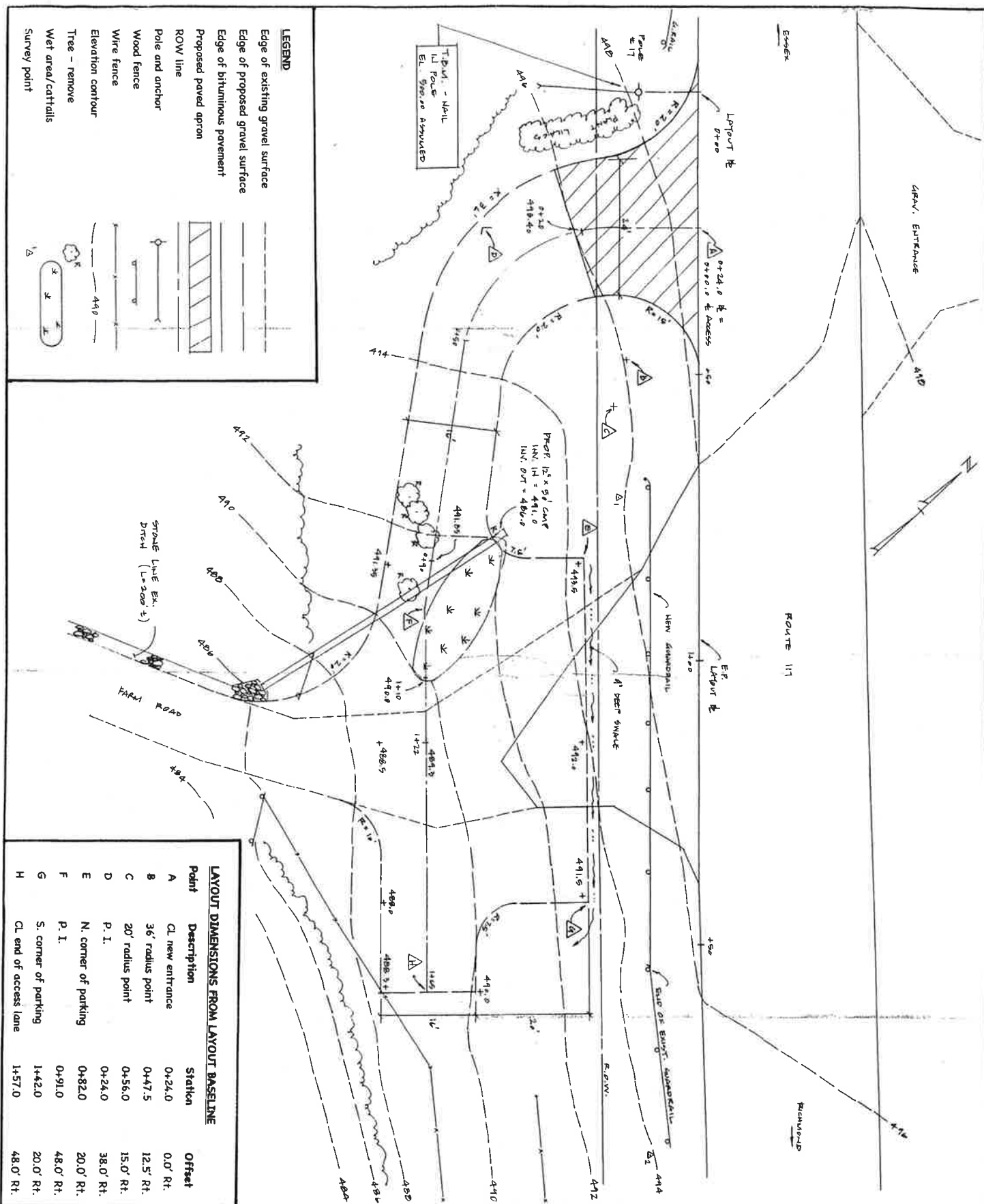
see highlighted 10/6/15

Vermont Agency of Transportation

Permit Listing - District 5

Tuesday, October 06, 2015

ID	Route	Town	Milepoints	Log Station	Applicant	Type	Application Received	By	Denied	Withdrawn	Issued	Status
36006	VT117	Essex/Jericho	0003.974/0000.099L&R 0000.000/0000.000	0209+85/0005+25L&R	TELEPHONE OPERATING CO OF VT LLC	UTILITY	3/2/2011	U			3/24/2011	CP
Project: Remarks: INSTALL FIBER OPTIC CABLE TO AN EXISTING POLE LINE												
26588	VT117	Jericho	0000.000/0000.070L	0000+00/0003+70L	RICHARD & JUDY HOSKING	OTHER	5/14/2002	D			5/10/2002	CP
Project: Remarks: FLATTEN SLOPE ON SOUTH SIDE OF VT117 FROM MM 0.. TO 0.07 LT												
23444	VT117	Jericho	0000.000/0002.893	0000+00/0152+77	ADELPHIA CABLE	UTILITY	2/14/2000	U			3/2/2000	CP
Project: Remarks: CATV CONSTRUCTION WORK BURLINGTON SYSTEM UPGRADE. JERICHO VT117 TO RICHMOND TL PERMIT EXTENDED TO JULY 1, 2002												
647	VT117	Jericho	0000.085/0000.000L 0000.000/0000.000	0004+50L	RONALD W. & JANE C. GRAIKO	ACCESS		D			6/25/1986	CP
Project: Remarks: RESIDENTIAL WITH NO CULVERT												
31918	VT117	Jericho/Essex	0000.324/0004.199L&R 0000.000/0000.000	0017+15/0221+75L&R	VERIZON NEW ENGLAND INC	UTILITY	2/22/2007	U			3/22/2007	CP
Project: Remarks: INSTALL NEW POLES, JACK & BORING 600' ALONG VT 117 AND RELOCATE POLES												
38596	VT117	Jericho	0000.340/0001.150L&R 0000.000/0000.000	0017+55/0060+71L&R	GREEN MOUNTAIN POWER CORP	UTILITY	12/11/2013	U			12/13/2013	CP
Project: Remarks: RELOCATE CROSS COUNTRY OVERHEAD LINE TO ROADSIDE												
39768	VT117	Jericho	0000.769/0000.000R 0000.000/0000.000	0040+61R	JERICHO SETTLERS FARM INC	ACCESS	5/11/2015	D			5/7/2015	CP
Project: Remarks: INSTALL REGRADE AN EXISTING FARM FIELD ACCESS												
38954	VT117	Jericho	0000.834/0000.850R 0000.000/0000.000	0044+05/0044+90R	CHARLES LACY	ACCESS AM	6/11/2014	U			6/18/2014	CP
Project: Remarks: REPLACE EXISTING ACCESS FOR ENTRANCE TO A RECREATIONAL PARKING AREA												
33425	VT117	Jericho	0000.850/0000.000L 0000.000/0000.000	0044+88L	PAUL MAZZA	ACCESS	4/22/2008	D			4/16/2008	CP
Project: Remarks: RECONSTRUCT EXISTING FARM FIELD ACCESS DRIVE FOR LOGGING OPERATION												
38961	VT117	Jericho	0001.079/0000.000R 0000.000/0000.000	0057+02R	ROBER IVANCIC	DRAINAGE	6/12/2014	D			6/6/2014	CP
Project: Remarks: DITCH WATER FROM THE CULVERT TOWARD THE RIVER												
1111	VT117	Jericho	0001.153/0000.000R 0000.000/0000.000	0060+90R	NET	UTILITY		U			5/3/1976	CP
Project: Remarks: PLANS ARE FILED WITH PERMIT REFERENCED ABOVE AS WELL. WORK BEGAN IN ESSEX AND COMPLETED IN JERICHO.												



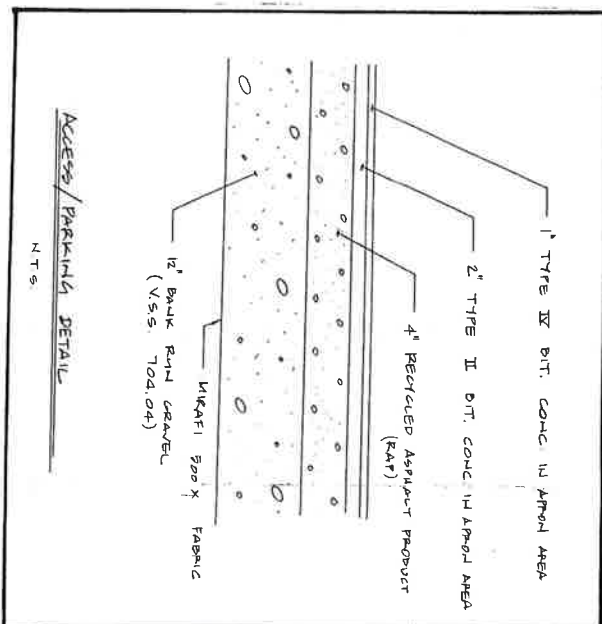
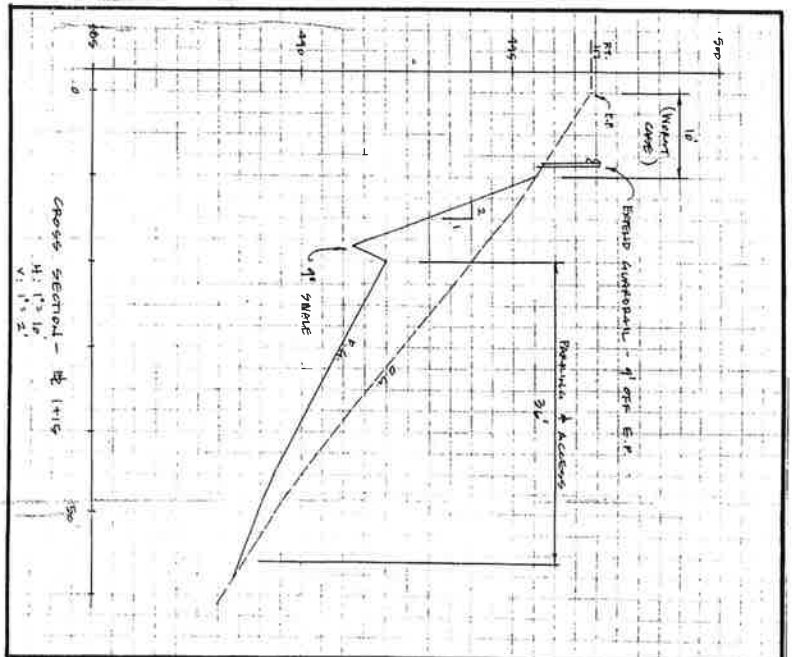
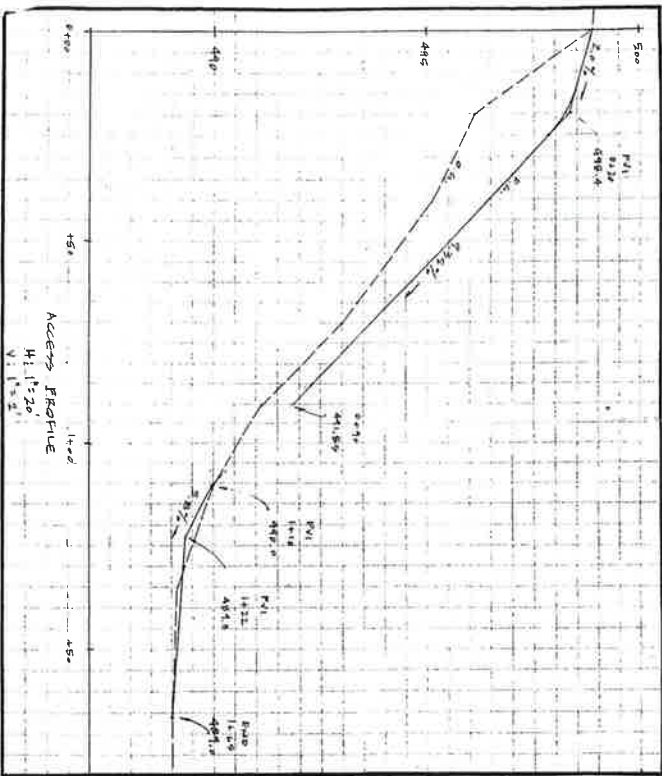
VT. ROUTE 117  
TRAIL ACCESS PARKING  
SITE PLAN

TOWN OF JERICHO  
P.O. BOX 39  
JERICHO, VERMONT

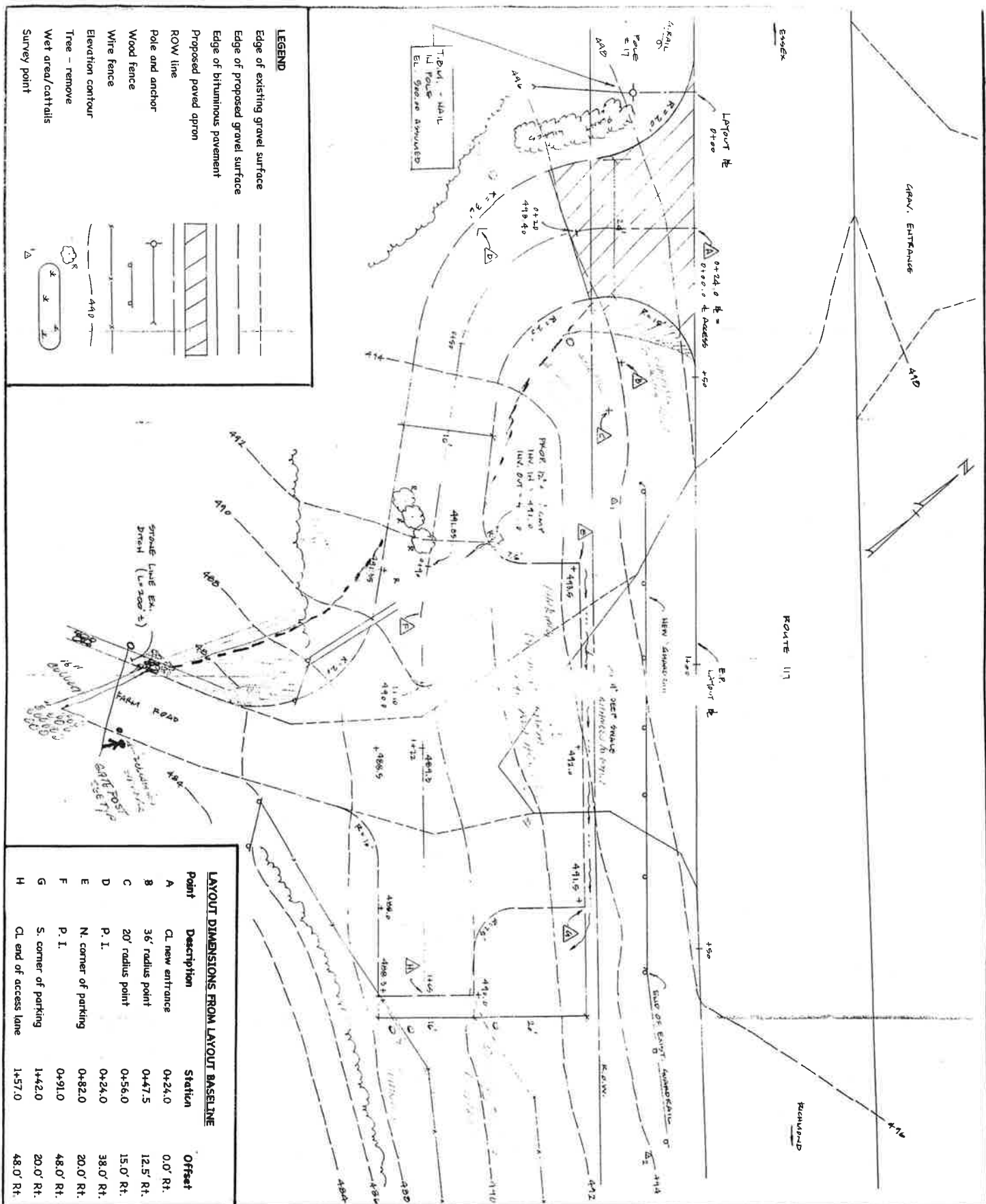
MICHAEL C. WEISEL, P.E.  
P.O. BOX 71  
UNDERHILL CENTER, VT.  
JUNE 6, 2014



1. This drive shall be based upon a topographic survey done on May 15, 2004. ROW is shown as a red line in section.
2. Before any access item are made, the Contractor shall call DigSafe at 888-678-SAFE.
3. This project involves the construction of an access drive off VA, Route 127 and a new parking space.
4. All backfill and/or subbase material shall be compacted to 95% of maximum density as measured by the Standard Proctor test.
5. The access drive and parking space shall consist of no less than 12" of gravel meeting the requirements of Virginia spec. 70A.04 and 4" of recycled asphalt product (RAP).
6. The wet area shown on the plan shall be accepted as hard, firm subsoil and shall be backfilled with granular fill before placement of the gravel subbase.
7. The earthwork action of road surface shall be removed and replaced upon completion of the culvert installation.
8. As noted on the plan, approximately 200' of existing ditch along the northern side of the existing farm road shall be removed to reveal surface.
9. All portions of the existing pond or gravel area shown on which lie between the edge of pavement of Route 127 and the eastern edge of the new parking space shall be removed and replaced with a minimum of 4" of riprap which shall be installed and matched to new stone laid out from station 0+70 to station 0+74.
10. Install new steel base material from location station 0+70 to 0+74 to location station 155.5, 9' R1, and the into existing gravel.
11. All disturbed surface shall be topsoiled, germinated, lined, seeded and mulched. The Contractor shall provide the seed, fertilizer and straw mulch. All riprap shall be 4" or larger.







VT. ROUTE 117

TRAIL ACCESS PARKING

FARMER'S DETAILS

TOWN OF JERICHO

P.O. BOX 39

JERICHO, VERMONT

MICHAEL C. WEISEL, P.E.  
P.O. BOX 71  
UNDERHILL CENTER, VT.

JUNE 6, 2014



4/05/4

**GENERAL NOTICE**

2. Farmer Needs some wire Rabbits  
HARDEN EYES AS CHAUNON SHEET & 8  
Detail. BUILT + Sealed.

13 signage - NO PARKING IN TRUCKLETS  
Lanes are for more storage as vehicles  
will be towed

i' NO PACKING AFTER — P  
AM Basically Dose to 2400

ORGANIC FARM RULES AS CHANGED) FROM TIME TO TIME WILL BE OPEN AND CONSIDER THE TYPES OF USE AND BEHAVIORS ALLOWED. VICIUSERS WILL BE GIVEN "TRADPASS"

VEHICLES left in -ATTENDING will be TRUCKED  
AFTER - HOURS

14. Parking markers shall be installed to refer to the Delugehoff and line and the Delugehoff line.

16 DATE POSTED - Pelu strain record (P)  
17- vegetation plantings TO hold soils  
AND have sample microinverte

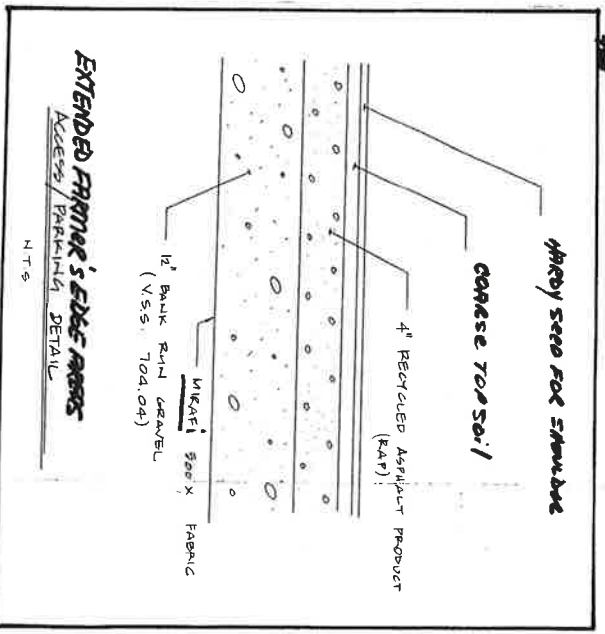
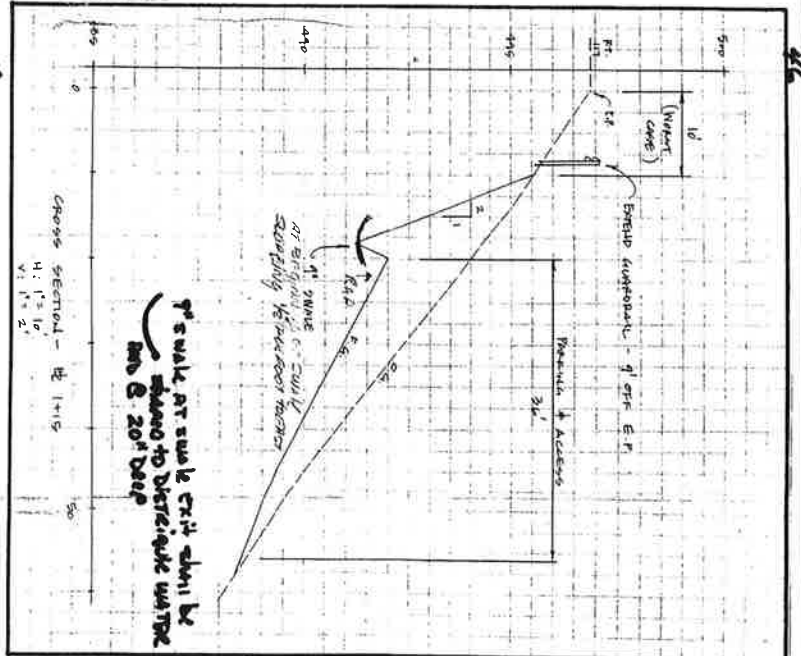
AND HAVE SIMPLE MATHEMATICS

96

- HARD ENDED EDGE IS SAME BUILD SPEC. AS PARKING AND UNDER BUT SKINNED WITH TOP SOI. MAKES SEEDS AND NOT ON TO PREVENT AGE DEGRAD. FRACTION WITHIN ABOUT 1/6" STROKE TRAILING + WIDE TRAIL TRUCK TO ACCORD + CYCLED LAYOUT TO 720.
- SIGNAGE

## Signature

- parking marked <sup>in case of</sup> ~~at~~ end of space
- Gate Post's - typical highway posts with 5' shoulder or equivalent set minimum 16' apart with 5' foot pedestrian needed <sup>in case of</sup> ~~at~~ <sup>minimum of width</sup>



RECEIVED & RECORDED  
Jan 07, 2014 12:00P  
DOCUMENT TYPE: DEED  
DOCUMENT NUMBER: 11004794  
JESSICA R. ALEXANDER  
JERICHO, VT

VOL: 319 PG: 73  
INST: 11004794

GRANT OF TRAIL EASEMENT

RECEIVED & RECORDED  
Jan 07, 2014 12:00P  
DOCUMENT TYPE: DEED  
DOCUMENT NUMBER: 11004794  
JESSICA R. ALEXANDER  
JERICHO, VT

KNOW ALL PERSONS BY THESE PRESENTS that CHARLES LACOMBE and TAYLOR SYMINGTON, both of Jericho, County of Chittenden, State of Vermont, on behalf of themselves, their heirs, executors, administrators, successors and assigns ("Owners"), pursuant to the authority granted in Title 10 V.S.A. Chapter 155 and in consideration of the payment of Ten Dollars and other valuable consideration paid to their full satisfaction, do freely give, grant, sell, convey and confirm unto TOWN OF JERICHO, a Vermont municipality located in the County of Chittenden, State of Vermont ("Holder") forever, a perpetual, non-exclusive, and assignable by mutual consent easement twenty feet (20') in width for a right-of-way and a parking area of 0.2 acres as more particularly set forth below, on and over a certain parcel of land located in the Town of Jericho, Vermont (the "Property"). The Property is more particularly described in Schedule A attached hereto and incorporated herein. The location of the right-of-way easement conveyed hereby is more particularly described in Schedule B attached hereto and incorporated herein (the "Corridor"). A trail shall be located within the Corridor and may be improved as provided below (the "Trail"). The location of the parking area easement conveyed hereby is more particularly described in Schedule C attached hereto and incorporated herein (the "Parking Area"). This Easement also contains covenants on the part of Owners and the Holder to do or refrain from doing various acts as set forth below. It is hereby acknowledged that this Easement constitutes a servitude upon the land and runs with the land. Holder accepts this Easement in order to provide public access to recreational opportunities and activities throughout the Corridor.

## I. PURPOSES

The purposes of this Easement as set forth in this Section I are hereinafter collectively referred to as the "Purposes of this Easement." Owners and Holder acknowledge that the Purposes of this Easement are to provide permanent and perpetual public, recreational use of the Corridor, and to locate the Corridor so that it provides public recreational access across the Property in a manner that enhances the outdoor experience, to establish a Trail without undue expense, and to implement these purposes while substantially preserving Owners' quiet use and enjoyment of the Property, especially agricultural use.

## II. USES

1. **Designation of Trail Manager:** Prior to construction of the Trail and public recreational use of the Corridor, the Holder shall notify the Owners of the person or organization that will be responsible for the construction and maintenance of the Trail and management of the public's use of the Corridor ("Trail Manager"). The Holder may designate itself as the Trail Manager. The Holder may remove or change the designation of the Trail Manager from time to time, and shall provide the Owners with written notice of each such removal or change. References hereinafter to "Holder" shall apply to the designated Trail Manager as well.

2. **Public Access:** Holder may permit, in its sole discretion, public access to the Corridor for four-season, pedestrian or mechanized, non-motorized recreational activities, such as walking, skiing, or mountain biking. Except as provided below, motor vehicles are not permitted. Overnight camping and campfires are not permitted. Owners may prohibit or restrict dogs from the Corridor. Owners may order an individual(s) off the Corridor if their use interferes with Owner's quiet enjoyment of the property, especially agricultural use. Holder shall have the right, in its sole discretion, to restrict or limit public use of and access to the Corridor. If use of the Corridor materially interferes with Owners' quiet enjoyment of the Property, especially agricultural use, and



measures taken by Holder do not, in Owners' reasonable opinion, sufficiently abate the interference, Owners may close the Corridor for a period not to exceed two weeks to enable Holder to take corrective action. Owners shall provide written notice to Holder of such Corridor closure within 48 hours of such closure.

3. **Corridor Location:** While the location of the Corridor is generally described in Schedule B attached hereto and incorporated herein, the precise location shall be fixed on the ground by mutual agreement of Holder and Owners, and marked by blazing, signs or otherwise along the perimeter of the Corridor by Holder. The Corridor location may be altered from time to time by mutual consent of Holder and Owners. Owners and Holder shall locate the Corridor in a manner consistent with the Purposes of this Easement. If Owners and Holder are unable to agree on the Corridor location they shall submit said matter to binding arbitration as provided in Section IV, below.

4. **Parking Area:** While the location of the Parking Area is generally shown in Schedule C attached hereto and incorporated herein, the precise location shall be fixed on the ground by mutual agreement of Holder and Owners, and marked by blazing, signs or otherwise along the perimeter of the Parking Area by Holder. The Parking Area location may be altered from time to time by mutual consent of Holder and Owners. Owners and Holder shall locate the Parking Area in a manner consistent with the Purposes of this Easement. If Owners and Holder are unable to agree on the Parking Area location they shall submit said matter to binding arbitration as provided in Section IV, below. The parking area shall be unpaved except that, if required as a condition of obtaining an access permit, a vehicle-wide strip adjacent to Vermont Rt 117 may be paved.

### III. OBLIGATIONS

1. **Trail Construction:** Holder shall have the right, but not the obligation, at Holder's expense, to construct, manage, use, repair and maintain a Trail, including the right to install, maintain, repair and replace waterbars, steps and other trail surface structures, as well as bridges and/or culverts as necessary to traverse surface waters within the Corridor. Prior to initial Trail installation, Trail relocation within the Corridor, and major maintenance activity, Holder shall give at least two weeks' notice to Owners by certified mail, return receipt requested. The Trail shall not exceed eight (8) feet in width within the twenty (20) foot wide Corridor. The Trail may be relocated within the Corridor at the Holder's sole discretion after giving notice to Owners as provided above.

2. **Vegetation Management:** Holder shall not cut or remove any vegetation from the Property until the Corridor has been located on the ground as provided above. Holder may clear brush as required to maintain the Trail and may remove dead, dying or diseased vegetation within the Corridor which poses a safety risk to Trail users after the Trail has been constructed; otherwise Holder may cut or remove additional vegetation only with the prior written consent of Owners. Holder shall not employ herbicides, pesticides, growth inhibitors or other chemicals within the Corridor without the prior written consent of Owners. Owners shall provide notice to Holder prior to harvest or removal of trees within the corridor so that Holder can divert public use of the Trail if necessary.

3. **Fencing, Barriers and Signs:** Holder, or Owners with Holder's prior written consent, may erect and maintain such fencing and barriers within the Corridor as may be reasonably necessary to prevent access to the Trail by motor vehicles or to prevent or abate interference with agricultural activities on the Property (e.g. livestock grazing and crop production). Any fencing needed to abate interference with agricultural activities shall be the expense of the Holder. Holder will not erect any barrier restricting vehicular access from the parking area to the northern field. Fences may not, however, be of a type or construction that impedes the enjoyment of the trail for users or the ability



of users to see through or over the fence, to experience the scenic beauty of the farm. Holder shall have the right to erect reasonable signs, blazing or other markings within the Corridor or Parking Area to inform the public of the Trail location or other Trail features, including educational, directional, or informational signs or markings which may include kiosks or educational signs. Owners shall not erect fences, barriers or signs that impede access to or use of the Trail which are inconsistent with the Purposes of this Easement.

**4. Motor Vehicles and Livestock:** Holder may use motorized vehicles and equipment within the Corridor to construct, relocate, maintain, repair and patrol the Trail, and for medical emergencies. Owners and Holder shall not use or permit the use of motor vehicles within the Corridor, except as specifically provided in this Section III(4). Snowmobiles may be permitted within the Corridor by mutual agreement of Holder and Owners. Holder may permit motor-driven wheelchairs or all terrain vehicles for the use of handicapped persons within the Corridor if consistent with the Purposes of this Easement or required by law. Owners may cross and use portions of the Corridor for the movement of livestock, farm vehicles and equipment at those locations mutually agreed upon by Owners and Holders for the purpose of accessing the Property for agricultural purposes , except that Owners have perpetual access from the parking area to the northern fields . Any operation of motor vehicles or equipment authorized under this paragraph shall be conducted in a safe and prudent manner so as to ensure the safety of persons on or in the vicinity of the Trail.

**5. Other Uses:** Except as specifically permitted under this Easement, no rights-of-way, easements of ingress or egress, driveways, roads, utility lines or other easements shall be constructed, developed or maintained into, on, over, under, or across the Corridor, without the prior written permission of the Holder. Owners shall use the Corridor exclusively for recreation and open space purposes. No residential or industrial activities shall be permitted, and no building or structure shall be constructed, created, erected or moved into the Corridor, except for managing surface water and stream and river banks, other than the Trail surface structures mentioned above.

**6. Hunting:** At the request of Owner, Owner and Holder shall develop a plan to allow hunting within the Corridor by the Owner and Owner's designees, and any such plan may be modified from time to time by mutual consent.

#### IV. COMPLIANCE WITH EASEMENT AND BINDING ARBITRATION.

Owners and Holder shall take reasonable steps to periodically inspect the Corridor to assure compliance with this Easement. In the event that Owners or Holder becomes aware of an event or circumstance of non-compliance with this Easement, that party shall give notice to the other of such event or circumstance of non-compliance via certified mail, return receipt requested, and demand corrective action sufficient to abate such event or circumstance of non-compliance and restore the Corridor to its previous condition. Any event or circumstance of non-compliance with this Easement not corrected voluntarily shall be submitted to binding arbitration.

The arbitrator's authority shall include the right to determine whether a violation of this Easement by either Owners or Holder has or continues to occur, and what corrective action is appropriate. Further, the arbitrator's authority shall include the right to determine whether public use of the Corridor materially interferes with Owners' quiet enjoyment of the Property on a basis, whether Holder's corrective action is sufficient, and what additional corrective action should be implemented to achieve the objectives of permitting reasonable public recreational access without materially interfering with Owners' quiet enjoyment of the Property. The arbitrator's authority shall include the right to temporarily close the Corridor to public use but shall not include the right to permanently close the Corridor.

The arbitrator shall be selected by the parties or by the American Arbitration Association if the parties cannot agree on an arbitrator. The costs of arbitration shall be shared equally by the parties, unless otherwise determined by the arbitrator due to one party being unreasonable or otherwise dilatory. The decision of the arbitrator shall be binding on the parties. The parties shall select an arbitrator within two weeks of the submission of an issue to arbitration, and every reasonable effort shall be made to complete arbitration of any dispute within thirty (30) days of the selection of an arbitrator.

Notwithstanding the foregoing, Owners and Holder reserve the right to bring an action in a court of competent jurisdiction to (1) secure a temporary restraining order or preliminary injunction to maintain the status quo pending the arbitration of a dispute; (2) enforce a directive issued by an arbitrator to maintain the status quo pending disposition of the arbitration proceeding; or (3) enforce a final order issued by the arbitrator. The prevailing party shall be reimbursed the reasonable costs of enforcement, including staff time, court costs and reasonable attorneys' fees, in addition to any other payments ordered by such Court. The remedies described herein are in addition to, and not in limitation of, any other remedies available to Owners or Holder at law, in equity, or through administrative proceedings.

No delay or omission by Holder or Owner in the exercise of any right or remedy shall impair Holder's or Owner's rights or remedies or be construed as a waiver. Nothing in this Section IV shall be construed as imposing a liability upon a prior Owner of the Property or Holder of the Easement, where the event or circumstance of non-compliance has occurred after said prior Owner's ownership or control of the Property or said prior Holder's rights in the Easement have terminated.

#### **V. MISCELLANEOUS PROVISIONS.**

1. In any deed conveying an interest in all or part of the Corridor or Parking Area, Owners shall make reference to this Easement and shall indicate that this Easement is binding upon all successors in interest in the Corridor or Parking Area in perpetuity. Owners shall also notify the Holder of the name(s) and address(es) of Owners' successor(s) in interest.

2. Holder shall be entitled to rerecord this Easement, or to record a notice making reference to the existence of this Easement, in the Town of Jericho Land Records as may be necessary to satisfy the requirements of the Record Marketable Title Act, 27 V.S.A., Chapter 5, Subchapter 7, including 27 V.S.A. 603 and 605.

3. The term "Owners" shall include the heirs, successors and assigns of the original Owners, Charles Lacy and Gaye R. Symington. The term "Holder" shall include the successors and assigns of the original Holder Town of Jericho.

4. Invalidity of any provision hereof shall not affect any other provision of this Easement.

TO HAVE AND TO HOLD said granted Easement, with all the privileges and appurtenances thereof, to the said Holder the Town of Jericho, and its successors and assigns, to its own use and behoof forever, and the said Owners, Charles Lacy and Gaye R. Symington, for themselves and their heirs, successors and assigns, do covenant with the said Holder, its successors and assigns, that until the ensembling of these presents, they are the sole owners of the Property, and have good right and title to convey the same in the manner aforesaid, that the Property is free from every encumbrance, except those of record, and they hereby engage to warrant and defend the same against all lawful claims whatever.

IN WITNESS WHEREOF, we set our hands and seals this 3 day of January, 2014.

Signed, sealed and delivered  
In The Presence Of:

Owners

\_\_\_\_\_  
Witness to CL

\_\_\_\_\_  
Charles Lacy

\_\_\_\_\_  
Witness to GRS

\_\_\_\_\_  
Gaye R. Symington

STATE OF VERMONT  
CHITTENDEN COUNTY, ss.

At Richmond, this 3<sup>rd</sup> day of January, 2014, ~~Charles Lacy~~  
and Gaye R. Symington personally appeared and they acknowledged this instrument, by ~~them~~ sealed  
and subscribed, to be ~~their~~ free act and deed, before me, her

\_\_\_\_\_  
Notary Public

My commission expires: 02/10/2015

#### ACKNOWLEDGMENT OF ARBITRATION

We understand that Section IV of this instrument contains an agreement to arbitrate. After signing this document we understand that we will not be able to bring a lawsuit concerning any dispute that may arise which is covered by the arbitration agreement set forth in Section IV, unless it involves a question of constitutional or civil rights. Instead, we agree to submit any such dispute to an impartial arbitrator. We understand that the arbitration provisions of this instrument are limited exclusively to matters set forth in said Section IV.

\_\_\_\_\_  
Owner

Dated: January 3, 2014

\_\_\_\_\_  
Owner

Dated: 1/6/14

\_\_\_\_\_  
Holder

Dated: January 3, 2014

IN WITNESS WHEREOF, we set our hands and seals this 6 day of January, 2014.

Signed, sealed and delivered  
In The Presence Of:

Owners

Edward N. Fitzgerald  
Witness to CL

Charles Lacy  
Charles Lacy

STATE OF VERMONT  
CHITTENDEN COUNTY, ss.

At Essex St, this 6<sup>th</sup> day of January, 2014, Charles Lacy  
personally appeared and the acknowledged this instrument, by him sealed and subscribed, to be his  
free act and deed, before me,

Edward N. Fitzgerald  
Notary Public  
My commission expires: 02/10/2015



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**SCHEDULE A**  
**DESCRIPTION OF PROPERTY**

Being all and the same lands and premises, with any and all structures and improvements that may be situated thereon, conveyed to Grantors by warranty deed of Martinhouse, Inc., dated August 1, 2011, and recorded in Book 295, Page 663 of the Jericho Land Records.

**Excepted and excluded** from this description of the Property are the following two parcels of land: a 0.46 acre parcel and a 0.82 acre parcel, both of which were conveyed to Dana A. Dixon and Robert M. Ivancic by Boundary Adjustment Agreement dated February 27 and March 8, 2013, and recorded in Book 311, Page 695 of the Jericho Land Records. Said two parcels of land are depicted on a survey entitled "Plat of Survey Showing Boundary Line Adjustment Between Lands of Dana Dixon and Robert Ivancic and Charles Lacy & Gaye Symington," dated March 14, 2012, prepared by Button Professional Land Surveyors, PC, and recorded in GLD 420A in the Jericho Plat Cabinet.

Meaning and intending to include in this description of the Property all of the land with the buildings and improvements thereon lying on the westerly side of Vermont Route 117 in the Town of Jericho, Vermont, except as excluded above, and generally described as containing 80 acres, more or less.

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**SCHEDULE B**  
**DESCRIPTION OF CORRIDOR LOCATION AND MAP SHOWING TRAIL LOCATION**

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The corridor is comprised of:

1. a strip from the southernmost to the northernmost points of the Property along the high-water bank of the Winooski River. This portion of the corridor extends from the high-water bank of the river eastward towards VT Rt. 117.
2. three strips that provide access from VT Rt. 117 to the strip described in item 1 of this Schedule B. One strip extends from VT Rt. 117 at the southernmost point where the Property fronts on VT Rt. 117 westward along the southern property line toward the river until it joins the strip described in item 1 of this Schedule B. The second strip extends from VT Rt. 117 at the northernmost point where the Property fronts on VT. Rt. 117 westward along the property line toward the river until it joins the strip described in item 1 of this Schedule B. The third strip originates in the parking area described and shown in Schedule C and extends westward until it joins the strip described in item 1 of this Schedule B.

The general approximate location of the Trail is shown as a dashed line in the attached Schedule B map.

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**SCHEDULE C**  
**DESCRIPTION OF PARKING AREA LOCATION AND MAP**

The Parking Area is located adjacent to VT Rt. 117 approximately 0.3 miles north of the intersection of VT Rt. 117 and Barber Farm Rd. The Parking Area is rectangular and it extends approximately sixty-five feet (65') east to west from Vt. Rt. 117 toward the Winooski River, and approximately eighty-five feet (85') south to north along Vt. Rt. 117.

The general location of the Parking Area is shown in the attached Schedule C map.

VERMONT PROPERTY TRANSFER TAX FORM  
32 V.S.A. CHAP 231  
-ACKNOWLEDGEMENT-  
RETURN REC'D TAX PAID-BOARD OF HEALTH CERT. REC'D  
VT. LAND USE & DEVELOPMENT LANDS ACT CERT. REC'D.  
RETURN NO. 14-05  
JESSICA ALEXANDER, TOWN CLERK JERICHO, VT  
RECEIVED Jan 07, 2014 12:00P

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